



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

NOV 05 2004

Mr. Billy Cypress, Chairman  
Miccosukee Tribe of Indians of Florida  
P. O. Box 440021  
Tamiami Station  
Miami, Florida 33144

Dear Mr. Cypress:


The Environmental Protection Agency (EPA) has received and considered the adopted revisions to the Miccosukee Environmental Protection Code, Subtitle B: Water Quality Standards for Surface Waters of Miccosukee Tribe of Indians of Florida transmitted to our office by Truman E. Duncan's letter dated August 9, 2004. The revisions were adopted by the Miccosukee Business Council on July 1, 2004, and were certified as duly adopted pursuant to Tribal law in a letter dated August 9, 2004, from the Tribal General Counsel.

The Tribe's triennial review of water quality standards resulted in changes to its water quality criteria for the protection of aquatic life and human health, the implementation procedures for the Tribe's variance policy, and the definition for "attainable use", as well as editorial clarification of provisions specifying the location of the Miccosukee Reserved Area. Based on EPA's review, the triennial review revisions are consistent with the requirements of Section 303 of the Clean Water Act (CWA) and 40 CFR Part 131. Therefore, EPA approves these new and revised standards under the authorities of Section 303(c) of the CWA.

EPA's decision to approve the Miccosukee's water quality standards is subject to the results of consultation under Section 7 of the Endangered Species Act (ESA) with the U.S. Fish and Wildlife Service. By approving the standards "subject to the results of consultation," EPA retains its discretion to take appropriate action if the consultation identifies deficiencies in the standards requiring remedial action by EPA. EPA will notify the Miccosukee Tribe of the results of the Section 7 consultation upon completion of the action.

We would like to commend you and your staff on the comprehensive review of Tribal standards involved in this effort and your continuing effort to protect Tribal waters. If you have questions regarding EPA's approval, please contact me at 404-562-9470 or have a member of your staff contact Eve Zimmerman at 404-562-9259.

Sincerely,

  
for James D. Giattina, Director  
Water Management Division

cc: Truman E. Duncan, Miccosukee Tribe